

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 8 JUN 1994

APPLICATION NUMBER: 18 of 1994.

APPLICANTS:

RESPONDENTS:

Sri.M.Subramanyam v/s. The Post Master General, Bangalore & Others.
To.

1. Sri.M.Madhusudahn, Advocate,
No.844,17th-G-Main,Fifth Block,
Rajajinagar,Bangalore-10.
2. The Post Master General(Staff),
Karnataka Region,Bangalore-1.
3. Sri.M.Vasudeva Rao,Addl.C.G.S.C.,
High Court Bldg,Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal,Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 01-06-1994.

S. S. Rao
DEPUTY REGISTRAR 8/6
for JUDICIAL BRANCHES.

gm*

Op
C Issued
gm

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.18/1994

WEDNESDAY THIS THE FIRST DAY OF JUNE, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER (A)

M. Subramanyam,
Aged 21 years,
Branch Post Master,
Jodi Thimmasandra Branch
Post Office,
Srinivasapura Taluk,
Kolar District

Applicant

(By Advocate Shri^{M.}Madhusudhan)

v.

1. The Post Master General,
in Karnataka,
Bangalore - 560 001
2. The Senior Superintendent,
of Post Offices,
Kolar District,
Kolar
3. Sub-Divisional Inspector,
Postal Services,
Chintamani Sub-Division,
Chintamani

Respondents

(By learned Standing Counsel)
Shri M.V. Rao

ORDER



MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Heard.

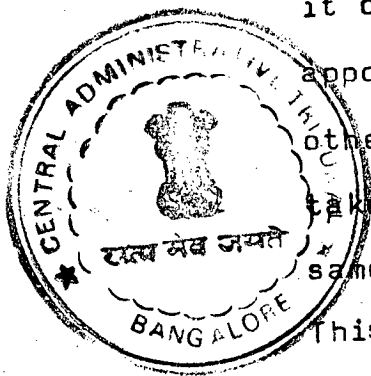
Admit.

2. The complaint herein is that after the
3. applicant was regularly appointed as a Branch

Post Master (BPM for short) at some village in Srinivasapura Taluk of Kolar and was functioning as such without attracting any uncomplimentary notice from the Department, all of a sudden the Department had decided to fill up the aforesaid position manned by the applicant as BPM and had taken steps to notify the post once again calling for applications from eligible candidates.

4. Apparently, there must have been some kind of mix up in the Administration, after having filled up the post regularly under an order passed on 3.3.93 at Annexure A-2 which is an off-shoot of a notification issued earlier at Annexure A-1 inviting applications from eligible candidates. In a very surprising move, the Department has taken the extra-ordinary step to fill up the post already manned by the applicant who, as mentioned earlier, had worked for about an year. The Department had decidedly not at any time found fault with the applicant. We are amazed with this development at which the Department now seeks to take steps to fill up a vacancy which is already filled up. The learned Standing Counsel depending on the objection statement filed by the Department tells us that the applicant happened to be the only and the sole applicant seeking a job pursuant to the public notice at Annexure A-1. We do not see how that circumstance has relevance at all. There is no ground suggesting that the entire thing was tell-tale and that some kind of nepotism was involved. No such allegation or ground has been made. It is not said that the notice inviting

applications had not been duly published. The Department selected the applicant as he was the only person who applied for the post of BPM in pursuance to the public notice. What is more he was absolutely qualified in every manner. We are now told that the applicant was efficient in the work he had been doing for the last one year. There is no complaint against him. With all that, the man is in jeopardy of losing a regular appointment he had been holding for an year. To say the least, this kind of treatment is most shoddy and surely the Government has no jurisdiction to fill up a vacancy which is already filled up regularly. Accordingly it is we allow this application and quash the notification at Annexure A-3 inviting applications afresh from eligible candidates for the post of BPM. We make it clear to the Department that unless the appointment of the applicant is set aside in other appropriate proceedings, no steps should be taken to fill up the post again by treating the same as available for being filled in once more. This application is therefore disposed of finally as aforesaid with no order as to costs.



TRUE COPY

S. Chandra
SECTION OFFICER 8/b
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
(T.V. RAMANAN)
MEMBER (A)

al n a -
Sd/-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN